REMARKS

1. Status of Claims

Claims 1, 4-17, and 20-47 were pending in the application. Independent claim 17 has been amended while claims 10-11, 23-27, and 34-43 have been cancelled without prejudice or disclaimer. Therefore, claims 1, 4-9, 12-17, 20-22, and 28-33 are pending and are submitted for reconsideration.

2. Rejections Under 35 U.S.C. 103

In the final office action, claims 1-4, 7-15, 17-20 and 23-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi (US 6,558,050) in view of Grosvenor et al. (US 2003/0025798, hereinafter "Grosvenor"). Claims 5, 6, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi and Grosvenor in view of Horimoto (U.S. Patent No. 4,009,9443). Claims 16 is rejected 35 U.S.C. 103(a) as being unpatentable over Ishibashi and Grosvenor in view of Moultrie, Jr. (U.S. Patent Publication No. 2002/0159770). Claim 33 is rejected 35 U.S.C. 103(a) as being unpatentable over Ishibashi and Grosvenor in view of Shiozaki. (U.S. Patent No. 5,978,603). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 1 recites at least the following two features which are shown by the applied references:

(1) an **environmental** sensor operably connected to the camera that monitors **ambient conditions external to a wearer** to detect a capture condition; and

(2) detection of the capture condition followed by a stable condition **causes capture** of an image by the camera.

With respect to feature (1), as disclosed in the specification of the application, the

ambient conditions detected by the environmental sensor include conditions such as ambient light, ambient temperature etc. which is then used to detect a capture condition. The word "ambient" is defined by a dictionary as "existing on all sides" and is derived from the word "ambience" which is defined as "pervading atmosphere" *See* Merriam Webster Dictionary published in 2004 (on page 22). That is, these claims require that the environmental sensor monitor ambient conditions such as the pervading light, temperature, etc. (that are external to a wearer) to detect a capture condition. No such environmental sensor which monitors ambient conditions to detect a capture condition is disclosed by any of the applied references.

With respect to this feature, the office action cites to the head orientation detecting unit 4 (col. 2, lines 30-56) which detects the angular position of the head of the wearer and is clearly not an *environmental* sensor that monitors *ambient conditions* to detect a capture condition. In fact, the entire disclosure of Ishibashi teaches that it "makes various measurements to detect the motion state and the physiological state of the *wearer*, i.e., the user." See col. 2, lines 38-39 (emphasis added). That is, nowhere does Ishibashi teach or suggest that that an environmental sensor be operably connected to the camera to monitor ambient conditions to detect capture conditions. Furthermore, this deficiency of Ishibashi is not cured by any of the other applied references.

Feature (2) requires that the detection of the capture condition followed by a stable condition *causes* capture of an image by the camera (as distinct to *not capturing* the image by the camera). As noted earlier, Ishibashi discloses detecting the motion state or the physiological state of a user results in selecting one operation mode (for example, high power consumption setting) versus another (for example, a low power consumption mode setting). See Abstract and figure 4 of Ishibashi. However, selecting one mode instead of another (in both which images are captured) cannot be asserted to show that the image capture is *caused* by the detecting a capture condition since the disclosed detection is a mode switching detection. This disclosure of Ishibashi is quite different from the claimed feature (2) which requires that the detection of "capture" condition ***causes*** *capture* of an image by the camera.

The office action asserts that Ishibashi discloses capturing moving images includes taking

a plurality of still images at a certain frame rate. However, the Ishibashi does not disclose that the specific conditions *cause* the capture of images. Ishibashi discloses that a different set of conditions (which do not include ambient conditions) are used to select between different operation modes of a camera and not to cause image capture in sharp contrast to feature (2). Furthermore, this deficiency in Ishibashi is also not cured by any of the other applied references.

In summary, features (1) and (2), when considered as a whole, are not disclosed or suggested by any of the applied references or their reasonable combination. Therefore, the office action fails to make a *prima facie* case of obviousness with respect to independent claim 1. Accordingly, this rejection should be withdrawn.

Independent claims 17, 32, and 33 are also believed to be patentable for reasons that are analogous to that discussed above with respect to claim 1.

3. Dependent Claims

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional features which are also patentable when considered as a whole.

4. Response to Comments in Advisory Action

The examiner is construing the meaning of ambient conditions based on the definition of previously pending claim 10. Applicant has cancelled claim 10 in order to restrict this claim term to its ordinary and customary meaning. None of the applied references teach or suggest that the ambient conditions are monitored to determine a capture condition as recited in the pending independent claims.

Furthermore, the office action cites to col. 4, lines 49-50 of Ishibashi which discloses that a shooting instruction is outputted to a video camera circuit 6 with respect to the recited feature that detection of the capture condition followed by a stable condition *causes* capture of an image by the camera . Specifically, the monitoring disclosed in Ishibashi does not cause of the shooting

instruction to be outputted. Rather, the monitoring causes the operation mode to be set. That is, the judgments of steps 10-55 in figure 4 of Ishibashi do not cause the capture of an image. Rather the capture of an image occurs irrespective of these judgments which are only used to set the operation mode. That is, the shooting instruction is issued irrespective of the judgments and are issued in both operation modes (which are set based on the judgments disclosed by Ishibashi). Therefore, Ishibashi does not disclose or suggest that detection of the capture condition followed by a stable condition *causes* capture of an image by the camera.

5. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
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